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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Dianna Thornton, Department of Public Safety

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: January 5, 2024

RE: Filed Permanent Regulations: Department of Public Safety

Department of Public Safety regulations re: Village Public Safety Officer program (13 AAC 96.010 - .900)

Attorney General File:	2023200203
Regulation Filed:	1/5/2024
Effective Date:	2/4/2024
Print:	249, April 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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January 4, 2024

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *13 AAC 96.010 - .900 : Village Public Safety Officer program regulations*
Our file: 2023200203

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Department of Public Safety against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Public Safety after the close of the public comment period.

The regulations concern regulatory amendments to conform to changes to the Village Public Safety Office governing statute, AS 16.65.670. The adopted regulations revise the criteria for eligible communities, the relationship between the Department of Public Safety and grantees, and remove regulatory language incompatible with the statutory changes.

The August 21, 2023 public notice, the September 16, 2023 supplemental public notice and the January 2, 2024 adoption order all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

We have made technical corrections necessary to conform the regulations in accordance with AS 44.62.060. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Digitally signed by
Rebecca C. Polizzotto
Date: 2024.01.04
13:39:10 -09'00'

Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/KMD

CC w/enclosure: Dianna Thornton, Program Coordinator
Department of Public Safety

Joel Hard, Policy and Programs Director
Department of Public Safety

Robert Henderson, Assistant Attorney General
Department of Law

APPENDIX I: Adoption Order

ORDER ADOPTING CHANGES TO REGULATIONS
OF DEPARTMENT OF PUBLIC SAFETY

The attached eight (8) pages of regulations, dealing with Village Public Safety Officer grant administration and operations, are adopted and certified to be a correct copy of the regulation changes that the Department of Public Safety adopts under the authority of AS 18.65 670 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Public Safety paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 1/02/2024



Joel L. Hard, Director, Village Public Safety Officer
Division

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on January 5, 2024, at 1:20 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

for  [signature]
Lieutenant Governor *Nancy Dahlstrom*

Effective: February 4, 2024.

Register: 249, April 2024.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

13 AAC 96.010 is amended to read:

13 AAC 96.010. Powers and duties of the department. (a) The provisions of **this chapter** [13 AAC 96.010 - 13 AAC 96.900] apply to the award of grants to **a grant recipient** [NONPROFIT REGIONAL CORPORATIONS] to provide **participating** villages with **public safety, including** village public safety officers **and supporting positions, services, equipment, and facilities that advance rural public safety. For the purposes of this chapter, a "grant recipient" means a nonprofit regional corporation, an Alaska Native organization, or a regional municipality authorized to receive grant funds in AS 18.65.670(b).**

(b) The department

(1) will review proposals for **regional** grants to provide village public safety **officer programs** [OFFICERS];

(2) will monitor compliance with the terms of the grants, [AND] agreements of the village public safety officer program, and with the regulations in this chapter;

(3) may allow grant recipients spending flexibility and discretion to achieve public safety objectives in the region;

(4) [(3)] will consult with **a grant recipient** [NONPROFIT REGIONAL CORPORATIONS] and **a village** [VILLAGES] regarding [THEIR] village public safety officer programs and mediate disputes between **the grant recipient** [CORPORATIONS] and **the village** [VILLAGES], if mediation is practical;

(5) [(4)] will consult with **and provide operational oversight to** village public safety officers and provide technical assistance and advice on matters relating to public safety and law enforcement;

(6) may [(5) WILL, IN ITS DISCRETION,] conduct background investigations

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into the qualifications and personal history of applicants for village public safety officer positions; and

(7) may [(6) WILL, IN ITS DISCRETION,] provide training and equipment to village public safety officers. (Eff. 8/18/95, Register 135; am 2 / 4 / 2024, Register 249)

Authority: AS 18.65.670

13 AAC 96.020 is amended to read:

13 AAC 96.020. Grant applications. A [NONPROFIT] regional corporation or Alaska Native organization may apply to participate in the village public safety officer program by submitting a written application to the department [A WRITTEN APPLICATION] to provide village public safety officers as provided in AS 18.65.670 [TO PARTICIPATING VILLAGES THAT ARE LOCATED WITHIN THE REGION THAT THE CORPORATION SERVES]. After at least one officer is assigned to one or more villages, either directly or by roving assignment, a grant recipient may apply for additional supporting positions, services, equipment, and facilities to support expansion of the program within the region that the grantee serves. The grant recipient shall submit a grant application annually. (Eff. 8/18/95, Register 135; am 2 / 4 / 2024, Register 249)

Authority: AS 18.65.670

13 AAC 96.030 is repealed and readopted to read:

13 AAC 96.030. Department agreements with corporations. The department will not provide grant money to a grant recipient until the grant recipient enters into a written agreement with the department. The agreement must include the following terms:

(1) all the terms as set out in AS 18.65.670(d)(1) - (4); and

(2) a provision by which the corporation agrees to indemnify and hold harmless the State of Alaska, and officers, employees, and agents of the State of Alaska for an act or omission in the administration of the village public safety officer program or in the monitoring, assisting, or training of a village public safety officer. (Eff. 8/18/95, Register 135; am

2 / 4 / 2024, Register 249)

Authority: AS 18.65.670

13 AAC 96.040 is repealed and readopted to read:

13 AAC 96.040. Administration by grant recipient. (a) In each community or village that maintains a village public safety officer, a grant recipient shall ensure that the village public safety officer has

(1) office space;

(2) a telephone, facsimile, or cellular service that includes long distance service;

and

(3) a facility to temporarily hold individuals who are under arrest in a safe and secure manner.

(b) Expenses incurred under this section shall not be the responsibility of the officer.

(Eff. 8/18/95, Register 135; am 3/28/2014, Register 209, am 2 / 4 / 2024, Register 249)

Authority: AS 18.65.670

13 AAC 96.050 is amended to read:

13 AAC 96.050. Grant recipient [CORPORATION] agreements with villages. A

grant recipient [NONPROFIT REGIONAL CORPORATION] may use grant money to **acquire, improve, or maintain facilities for a village public safety officer or** employ [A VILLAGE PUBLIC SAFETY OFFICER] **such officers** for a village only after the village, through its governing body, enters into a written agreement with the **grant recipient** [CORPORATION]. The agreement must

(1) be comparable to agreements that the **grant recipient** [CORPORATION] has made with [ALL] other villages in the region that the **grant recipient** [CORPORATION] serves;

(2) require that the **grant recipient** [CORPORATION] and the village comply with this chapter and with state and federal law; and

(3) set out a **public safety program objective and specific job descriptions** [DESCRIPTION] for [THE] village public safety **officers** [OFFICER] that **include** [INCLUDES] **the duties and responsibilities** [A SALARY, WORKING HOURS, AND DUTIES] that the **grant recipient** [CORPORATION] and the village expect **an** [THE] officer to perform. (Eff. 8/18/95, Register 135; am 2 / 4 / 2024, Register 249)

Authority: AS 18.65.670

13 AAC 96.060 is amended to read:

13 AAC 96.060. Termination of grants. (a) The department **may** [WILL, IN ITS DISCRETION,] terminate a grant [,] in whole or in part [,] to a **grant recipient** [NONPROFIT REGIONAL CORPORATION] before the end of the grant period if the **grant recipient** [CORPORATION OR A PARTICIPATING VILLAGE]

(1) fails to comply with a provision of

(A) this chapter or with state or federal law; or

(B) an agreement relating to the village public safety officer program between the

(i) department and the **grant recipient** [CORPORATION]; or

(ii) **grant recipient** [CORPORATION] and the village; or

(2) has [A] village public safety officer position **vacancies** [VACANT] for an extended period [OF TIME] during the contract period.

(b) If terminating a grant in whole or in part, the department will provide **30-day** written advance notice to the **grant recipient** [CORPORATION] and the affected village[,], stating the reasons for the termination, the effective date, and, if the termination is partial, the portion of the grant to be terminated.

(c) If a grant or portion of a grant is terminated under this section, the department is entitled to reimbursement of the grant money that covers the period following the termination.

(d) A **grant recipient** [NONPROFIT REGIONAL CORPORATION] may terminate a grant as provided by the terms of the grant or by the terms of the agreement between the **grant recipient** [CORPORATION] and the village.

(e) After consultation with a grant recipient, the department may reappropriate available unobligated funds to support the other priorities within the program. (Eff.

8/18/95, Register 135; am 2 / 4 / 2024, Register 249)

Authority: AS 18.65.670

13 AAC 96.080 is repealed and readopted to read:

13 AAC 96.080. Village public safety officer qualifications. (a) A grant recipient may not use grant money to employ an applicant as a village public safety officer unless the applicant

(1) meets the criteria as set out in AS 18.65.672;

(2) receives a physical examination from a licensed physician, advanced practice registered nurse, or physician assistant before attending a basic training program prescribed under AS 18.65.676 and submits, on a medical record form supplied by the department, a certification from that licensed physician, advanced practice registered nurse, or physician assistant that the applicant individual

(A) does not have a physical or hearing condition that would adversely affect the performance of the powers and duties of a village public safety officer;

(B) has normal color discrimination, normal binocular coordination, normal peripheral vision, and corrected visual acuity of 20/30 or better in each eye; and

(C) does not have a mental or emotional condition that would adversely affect the performance of the powers and duties of a village public safety officer;

(3) certifies the applicant has not been convicted, by a civilian court of this state, the United States, or another state or territory, or by a military court, of one or more of the following offenses, specified in AS 18.65.672, including an offense with substantially similar elements to such an offense under Alaska law;

(4) certifies the applicant has not been discharged, or resigned under threat of discharge, from employment as a village public safety officer, village police officer, or police officer in this state or any other state or territory for conduct that would cause a reasonable person to have substantial doubt about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States or that is detrimental to the integrity of the police department where the police officer worked. (Eff. 8/18/95, Register 135; am

2 / 4 / 2024, Register 249)

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Authority: AS 18.65.670 AS 18.65.672 AS 18.65.674

13 AAC 96.090 is repealed:

13 AAC 96.090. Personnel and training records. Repealed. (Eff. 8/18/95, Register 135; repealed 2 / 4 / 2024, Register 249)

13 AAC 96.100 is repealed and readopted to read:

13 AAC 96.100. Village public safety officer basic training. A village public safety officer basic training program must provide public safety related instruction as required by AS 18.65.676. (Eff. 8/18/95, Register 135; am 2 / 4 / 2024, Register 249)

Authority: AS 18.65.670 AS 18.65.676

13 AAC 96.105 is repealed:

13 AAC 96.105. Firearms training. Repealed. (Eff. 3/28/2014, Register 209; repealed 2 / 4 / 2024, Register 249)

13 AAC 96.110 is repealed:

13 AAC 96.110. Village public safety officer certification. Repealed. (Eff. 8/18/95, Register 209; repealed 2 / 4 / 2024, Register 249)

13 AAC 96.120 is repealed:

13 AAC 96.120. Denial, revocation, and lapse of certificates. Repealed. (Eff. 8/18/95, Register 135; repealed 2 / 4 / 2024, Register 249)

13 AAC 96.900 is repealed and readopted to read:

13 AAC 96.900. Definitions. In this chapter, unless the context requires otherwise,

(1) "department" means the Department of Public Safety;

(2) "governing body" means the elected city council, IRA council, traditional council, or elders council that the state recognizes as having governmental functions and enters into a memorandum of agreement with the grant recipient;

(3) "village" means a community with a population of less than 2,500 individuals based on the most recent federal census;

(4) "village public safety officer program" means the efforts, including personnel, services, and infrastructure, intended to address public safety challenges encountered in rural Alaska villages, to include search and rescue and missing persons, structural and wildland fire prevention and suppression, parole and probation enforcement, public safety education, emergency medical services, law enforcement and other related functions necessary to preserve the public peace. (Eff. 8/18/95, Register 135; am 2 / 4 / 2024, Register 249)

Authority: AS 18.65.670